



Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)
FOR THE KING AND DOBBIN TRANSIT VILLAGE PLANNED DEVELOPMENT ZONING AND
US 101/OAKLAND/MABURY AREA DEVELOPMENT POLICY**

File number: PDC07-015

Applicant: San José Transit Village Partners, LLC

As the lead agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed projects. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project are attached. According to State law, the deadline for your response is 30 days after receipt of this notice. However, we would appreciate an earlier response, if possible.

If you have any comments on this Notice of Preparation and US 101/Oakland/Mabury Area Development Policy please identify a contact person and send your correspondence to:

- City of San Jose Planning Division, Attn: Dipa Chundur, Planner
200 East Santa Clara Street, 3rd Floor San Jose, CA 95113-1905
Phone: (408) 535-7688, e-mail: dipa.chundur@sanjoseca.gov

If you have general, non-EIR related questions or comments about the King and Dobbin Transit Village Planned Development Zoning, including anticipated scheduling of next steps in the review process, please contact the Planning Division's Project Manager Avril Baty at 408-535-7652 or avril.baty@sanjoseca.gov

The Draft EIR for the King and Dobbin Transit Village Planned Development Zoning and US 101/Oakland/Mabury Area Development Policy is currently being prepared. A separate EIR Notice of Availability will be circulated when the Draft EIR becomes available for public review and comments (currently anticipated to begin in September 2007).

The Planning Division will hold a neighborhood meeting and an EIR public scoping meeting to describe the proposed project and the environmental review process, and to obtain your input on the EIR analysis for the proposal. The meeting will be held on June 26, 2007. Please refer to the attached notice for more detail.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Deputy

Date: _____

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE KING AND DOBBIN TRANSIT VILLAGE PLANNED DEVELOPMENT ZONING AND US 101/OAKLAND/MABURY AREA DEVELOPMENT POLICY

June 2007

A. Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed projects will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project;
- A project description;
- A description of the existing environmental setting, potential environmental impacts, and mitigation measures;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; (d) effects found not to be significant; and (e) cumulative impacts.

B. Project Location

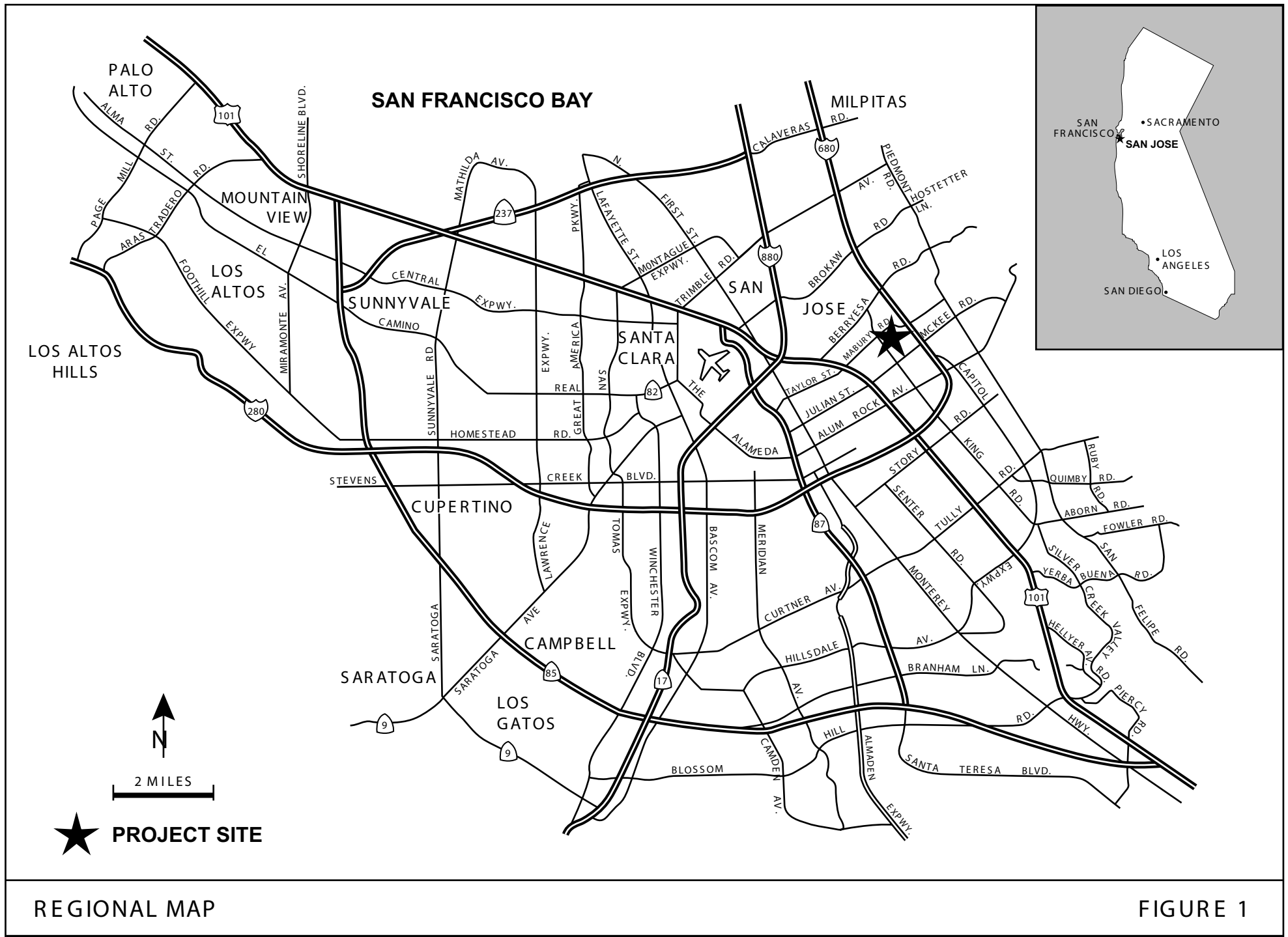
The proposed Planned Development zoning project is located on an approximately 24.8-acre site on the northeast corner of North King Road and Dobbin Drive in East San José. The project site is comprised of nine parcels [Assessor's Parcel Numbers (APNs): 254-04-076, 254-04-079, 254-04-080, 254-04-082, 254-04-087, 254-04-088, 254-04-098, 254-55-006, 254-55-010]. The site is bordered to the north and east with single-family residential uses and to the south and west by light industrial uses (refer to Figures 1-3).

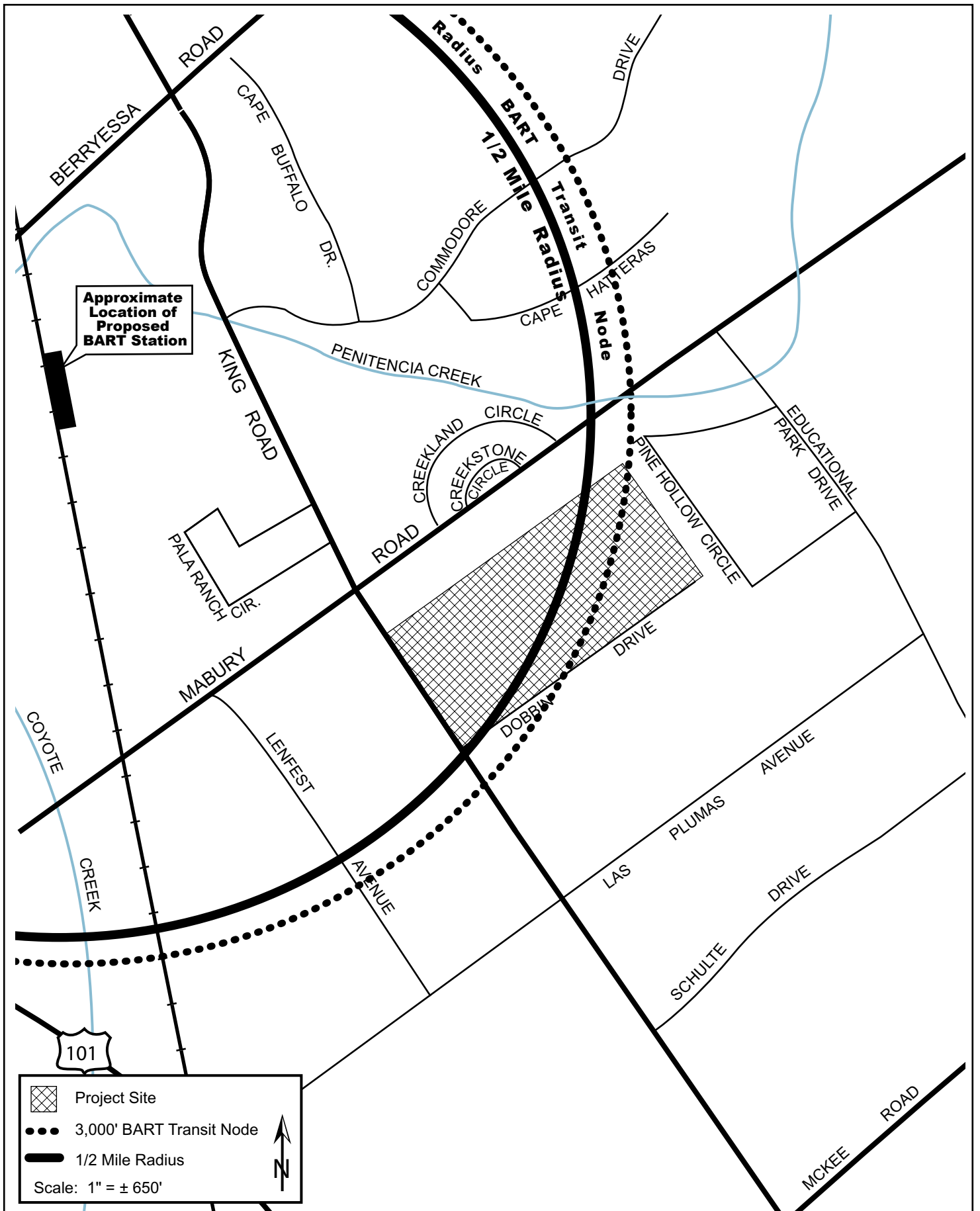
The proposed Area Development Policy will address traffic congestion in the vicinity of the existing US 101 and Oakland Road interchange corridor and the planned US 101 and Mabury Road interchange in San José (refer to Figure 4).

C. Overview and Description of the Projects

Planned Development (PD) Zoning Project: The 24.8 acre zoning project site is currently developed with approximately 421,000 square feet of light industrial and warehouse buildings. The project proposes rezoning the site to allow residential densities ranging from 20-110 dwelling units per acre (DU/AC). The project proposes to demolish the existing structures on the site and construct up to 1,300 residential units, 50,000 square feet of commercial space, and three-acre park on the site. The proposed residential units include approximately 136 affordable residential units that will accommodate the relocated San José Family Shelter. The majority of the site is located within the BART Berryessa Station Area Node, which calls for an overall minimum density within this BART station node of 55 dwelling units per acre. The proposed PD zoning is consistent with a General Plan Amendment (GP06-03-01) approved for the site by the San José City Council in December 2006. The approved General Plan Amendment converted the land use designation of the site from *Light Industrial* to *Transit Corridor Residential (20+ DU/AC)* with a "Floating Park".

The proposed affordable housing and family shelter component of the project will seek federal funds from the Department of Housing and Urban Development (HUD). The EIR analysis will include an Environmental Assessment to comply with the National Environmental Policy Act (NEPA) and HUD requirements.





VICINITY MAP

FIGURE 2



Area Development Policy: The City of San Jose adopted an updated Council Policy 5-3 on June 21, 2005, for the development related transportation impact analysis in conformance with the provisions of General Plan Level of Service Policy #5. The policy's goal is to achieve an overall Level of Service of "D" for the city streets during peak travel periods. Consistent with provisions of the General Plan Level of Service Policy #5, an "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which determines development impacts and mitigation measures. The policy is proposed to manage the traffic congestion associated with near term "smart growth" development in the US 101/Oakland/Mabury area, including Transit Oriented Development near the planned BART Berryessa Station, Japantown Neighborhood Business District, Jackson Taylor Specific Plan, and Luna Park/13th Street Neighborhood Business District. The policy would allow the level of service (LOS) at the Oakland Road and US 101 interchange corridor to temporarily degrade below the City of San José's LOS standards, with a corresponding level of congestion, prior to the construction of improvements to the Oakland Road/US 101 interchange and construction of the Mabury Road/US 101 interchange. The policy creates a "fair share" traffic impact fee structure to finance Oakland Road/US 101 and Mabury Road/US 101 interchange improvements.

D. Potential Environmental Impacts of the Projects

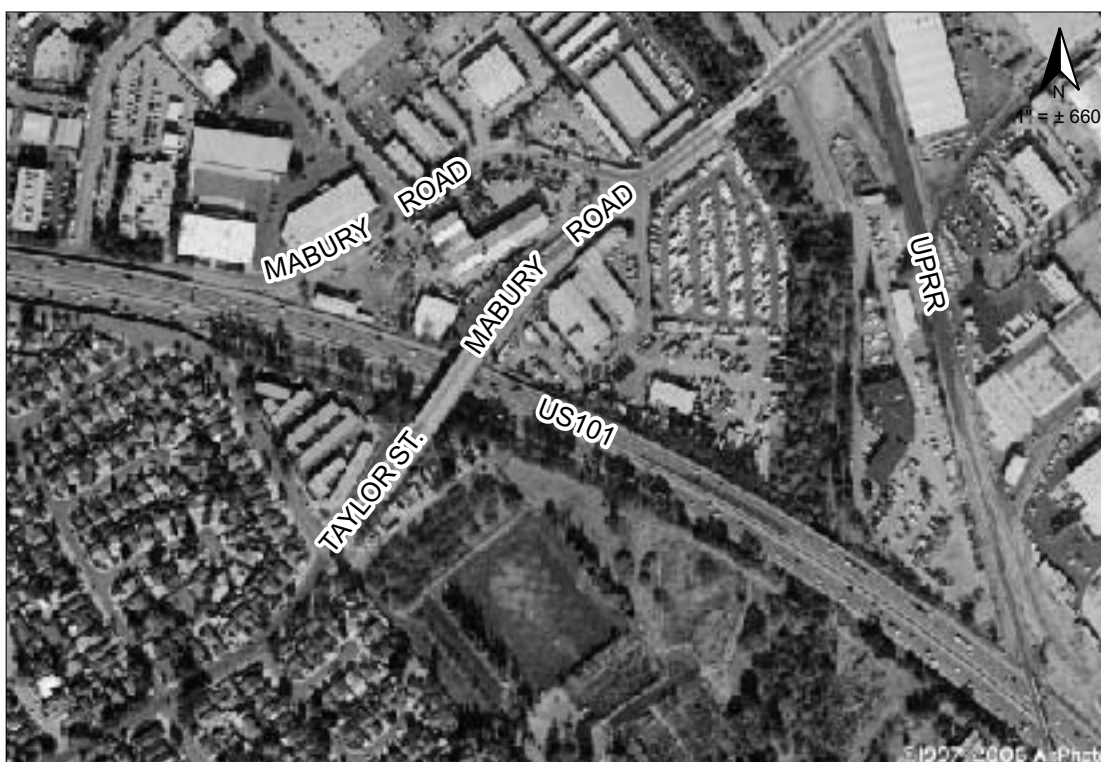
The EIR will describe the existing environmental conditions on the project site and will identify the significant environmental impacts anticipated to result from the proposed redevelopment of the site and adoption of the Area Development Policy. Where potentially significant environmental impacts are identified, the EIR will also discuss mitigation measures that may make it possible to avoid or reduce significant impacts, as appropriate.

The analysis in the EIR will include the following specific categories of environmental impacts and concerns related to the proposed projects. Additional subjects may be added at a later date, as new information comes to light.

1. Land Use: The EIR will identify the land uses on and around the project site and identify potential land use conflicts that would occur due to the proposed development. The EIR will identify both impacts to the proposed development from existing development in the project area and the impact of the proposed development on existing development in the project area.
2. Transportation: The EIR will describe the existing traffic conditions in the project area, based on the City of San José's Level of Service (LOS) Policy. A near-term level of service (LOS) study will determine the traffic impacts of the proposed development on the key intersections and freeway segments in the vicinity of the site during the weekday AM and PM peak hours. The EIR will also evaluate the impacts of the Area Development Policy (ADP) on key intersections related to the existing and proposed interchanges.
3. Cultural Resources: Due to the location of the site in an area of archaeological sensitivity, the EIR will discuss the potential for archaeological resources to be present on the site. The EIR will also discuss the possible impact of the project on any historic buildings adjacent to the site.
4. Hazardous Materials: The project site is currently developed with light industrial land uses. The EIR will discuss the potential for soil and groundwater contamination from existing and previous users of the project site as well as other hazardous materials users in the project area. The potential for impacts to residents of the site will be discussed. The EIR will also discuss the potential for hazardous materials use in the project area to impact residents of the site.
5. Noise: The EIR will characterize the existing noise environment in the project area and the compatibility of the ambient noise levels with the proposed noise-sensitive residential development. Potential noise impacts on the project resulting from nearby noise sources, including King Road and the adjacent light industrial land uses, will be discussed. The EIR will also discuss the possibility for the ADP to result in noise impacts on sensitive land uses in the vicinity of the affected freeway interchanges.
6. Geology and Soils: The EIR will discuss the existing geologic and soil conditions on the project site. Any potential impacts to future residential uses of the site will be identified.
7. Hydrology and Water Quality: The EIR will discuss the drainage conditions in the project area and the potential for flooding on the site. The impacts of residential development of the site on the quality of storm water runoff will also be addressed.



US101 / Oakland Road Interchange Corridor



Planned US101 / Mabury Road Interchange Location

8. Population and Housing: The EIR will describe the existing and projected employment, population, and housing conditions in the City of San José, and evaluate the potential for the project to result in impacts due to increases in population and the loss of planned jobs.

9. Biological Resources: The project site is currently developed with light industrial and warehouse buildings, paved parking lots, urban landscaping, and mature trees. The EIR will discuss the potential for the proposed PD Zoning to result in impacts to biological resources on the site, including removal of mature trees.

10. Air Quality: The San Francisco Bay Area is a non-attainment area for carbon monoxide. The EIR will address the regional air quality conditions in the Bay Area, and discuss the proposed projects impacts to local and regional air quality. Temporary construction related impacts such as construction vehicle exhaust and air-borne particulates (i.e., dust) will also be discussed. The impact of the ADP on local air quality will also be discussed.

11. Utilities and Service Systems: Implementation of the proposed project could result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will discuss the impacts of the project on public services, including utilities such as sanitary and storm drains, water supply, and solid waste management and also the ability of existing infrastructure in the project area to serve the proposed development.

12. Visual and Aesthetics: This section will discuss the visual and aesthetic resources of the site and any impacts that will occur as a result of the proposed PD Zoning.

13. Energy and Mineral Resources: The EIR will describe current energy demand from existing development on the site and will summarize any mineral resource on the project site or in the project vicinity. The EIR will describe potential impacts associated with the energy usage of the project.

14. Availability of Public Facilities and Services: The EIR will discuss the availability of public facilities and service systems, and the potential for the project to require the construction of new facilities. This discussion will include a review of the effects on the provision of police and fire services, public school districts, libraries, and parks that would occur as a result of the project.

15. Cumulative Impacts: The EIR will include a discussion of the potentially significant cumulative impacts of the projects when considered with other past, present, and reasonably foreseeable future projects in the area. This section will cover all relevant subject areas discussed in the EIR (e.g., traffic, air quality, and noise) and will specify which of the areas are anticipated to experience significant cumulative impacts. Cumulative impacts will be discussed qualitatively, unless specific quantitative information on other pending projects is available prior to publication of the Draft EIR.

16. Alternatives to the Project: The EIR will identify and evaluate project alternatives that might reasonably be assumed to reduce significant project impacts. The No Project Alternative is required by law. Other alternatives that may be discussed could include a Reduced Scale Alternative (either reduced development intensities and/or a smaller project area), Alternative Land Uses, and an Alternative Location.

The EIR will identify the degree to which each alternative might reduce one or more of the project's impacts, whether or not the alternative could result in other or increased impacts, the viability of the alternative, and the degree to which the alternative is consistent with the project's goals and objectives.

17. Other Required Sections: The EIR will also include other information typically required for an EIR. These other sections include the following: 1) Growth Inducing Impacts; 2) Significant, Unavoidable Impacts; 3) Significant Irreversible Environmental Changes; 4) References; and 5) EIR Authors. Relevant technical reports will be provided in a technical appendix.